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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,809	10/16/2008	Tomoyuki Okada	50478-2600	5054

52044 7590 10/11/2011  
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EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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10/11/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,809	<b>Applicant(s)</b> OKADA ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2484	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 2,5-10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 6/6/11, with respect to the rejection(s) of claim(s) 1-3 and 5-15 under 35 USC 102 have been fully considered and the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly applied reference.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 11, and 13-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yahata et al. (US Pub. No. 2006/0045481) in view of Gudorf et al. (US Pub. No. 2002/0133708).

3. Consider claim 1. Yahata et al. teaches a recording medium (para. 0064), comprising: a digital stream (para. 0070); a plurality of pieces of playback path information, each indicating a playback path for the digital stream (para. 0079; fig. 7); and a control program instructing a playback device to play the digital stream using the playback path information (paras. 0138-0140).

Yahata et al. does not teach wherein the control program includes a selection procedure which causes the playback device to compare a value stored in a status

register to a constant, and select at least one of the pieces of playback path information, according to the result of the comparison, the value indicating an age of a user set on the playback device.

However, Gudorf et al. teaches wherein the control program includes a selection procedure which causes the playback device to compare a value stored in a status register to a constant, and select at least one of the pieces of playback path information, according to the result of the comparison, the value indicating an age of a user set on the playback device (paras. 0024-0030 and 0037).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include a selection procedure which causes the playback device to compare a value stored in a status register to a constant, and select at least one of the pieces of playback path information, according to the result of the comparison, the value indicating an age of a user set on the playback device, in order to authenticate users based on personal information.

4. Consider claim 3. Yahata et al. teaches a playback device (fig. 27), comprising: an execution unit operable to execute a control program recorded on a recording medium; a playback unit operable to play a digital stream recorded on the recording medium (para. 0256); and a plurality of status registers (paras. 0235-0254), wherein the recording medium has a plurality of pieces of playback path information recorded thereon (para. 0079; fig. 7), and the playback unit plays the digital stream based on the selected at least one of the pieces of playback path information (paras. 0138-0140).

Yahata et al. does not teach one of the status registers stores therein a value indicating an age of a user, the execution unit executes the control program to compare the value stored in the status register to a constant, and selects at least one of the pieces of playback path information according to a result of the comparison.

However, Gudorf et al. teaches one of the status registers stores therein a value indicating an age of a user, the execution unit executes the control program to compare the value stored in the status register to a constant, and selects at least one of the pieces of playback path information according to a result of the comparison (paras. 0024-0030 and 0037).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to store a value indicating an age of a user, the execution unit executes the control program to compare the value stored in the status register to a constant, and selects at least one of the pieces of playback path information according to a result of the comparison.

5. Consider claim 11. Gudorf et al. teaches the playback device of claim 3 including a plurality of status registers, wherein one of the status registers stores therein a numeric indicating an age of a user, another one of the status registers stores therein a date of birth of the user, and the age-indicating numeric is calculated from the date of birth and a current date (para. 0025).

6. Consider claim 13. Yahata et al. teaches all of the claimed limitations as stated above, in addition to a program causing a computer to perform playback processing of a digital stream (claim 4 of Yahata).

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7. Claims 14 and 15 are rejected using similar reasoning as the corresponding claims above.

***Allowable Subject Matter***

8. Claims 2, 5-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
October 2, 2011

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2484